

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

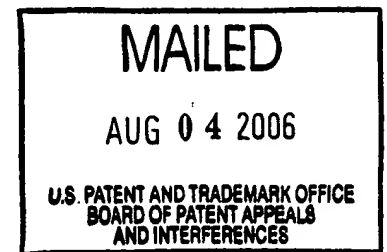
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID LEE GARRISON, PATRICIA A. KIGHT,
BRAD PERKINS, CHERYL LYNN WARD,
MARY ELIZABETH LAWSON and AMY LYNN KERIN

Appeal No. 2006-1741
Application No. 08/994,363

ON BRIEF¹



Before THOMAS, KRASS and HOMERE, Administrative Patent Judges.

HOMERE, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the final rejection of claims 1 through 3, 5 through 8 and 10 through 24. Claims 1 through 24 are pending in this application. Claims 4 and 9 are objected to by the Examiner.

We affirm.

¹ Appellants' attendance at the Oral Hearing set for July 13, 2006 was waived

Invention

Appellants' invention relates generally to a method and system for electronic bill payment. A consumer (8) sends an electronic request to a payment remittance center (6) to make a payment to a merchant (4) having a plurality of remittance centers (5). A batch file processing system (7) collects the payment request, and transfers the request to a remittance payment processor (RPP) (3), which processes said request to identify the customer-merchant account number. The RPP (3) further processes the identified customer-merchant account number to select a single remittance center (5) to which the requested payment is subsequently disbursed.

Claim 1 is representative of the claimed invention and is reproduced as follows:

1. A computer implemented remittance payment process, comprising:

receiving a payor request to make a payment to a payee having a plurality of payment remittance centers;

processing the request to identify a payor account number with the payee;

processing the account number to select a single remittance center of the plurality remittance centers; and

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directing remittance advice for the payment to the payee at the single remittance center.

References

The Examiner relies on the following references:

Kolling et al. (Kolling)	5,920,847	July 6, 1999
		(filed Oct. 7, 1996)

Rejections At Issue

A. Claims 1 through 3, 5 through 8, 10 through 13, 15 through 18 and 20 through 24 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Kolling.

B. Claims 14 and 19 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kolling.

Rather than reiterate the arguments of Appellants and the Examiner, the opinion refers to respective details in the Appeal Brief² and the Examiner's Answer³. Only those arguments actually made by Appellants have been considered in this decision.

Arguments that Appellants could have made but choose not to make

2 Appellants filed a corrected Appeal Brief on July 14, 2004. On June 6, 2005, Appellants filed a Reply Brief, which has been denied entry and consideration.

3 The Examiner mailed an Examiner's Answer on April 4, 2005. The Examiner
mailed an office communication on August 18, 2005, stating that the Reply
Brief has not been entered and considered.

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in the Appeal Brief have not been taken into consideration. See
37 CFR 41.37(c)(1) (vii) (eff. Sept. 13, 2004).

OPINION

In reaching our decision in this appeal, we have carefully considered the subject matter on appeal, the Examiner's rejections, the arguments in support of the rejections and the evidence of anticipation and obviousness relied upon by the Examiner as support for the rejections. We have, likewise, reviewed and taken into consideration Appellants' arguments set forth in the Appeal Brief along with the Examiner's rationale in support of the rejections and arguments in the rebuttal set forth in the Examiner's Answer.

After full consideration of the record before us, we agree with the Examiner that claims 1 through 3, 5 through 8, 10 through 13, 15 through 18 and 20 through 24 are properly rejected under 35 U.S.C. § 102 as being anticipated by Kolling. We also agree with the Examiner that claims 14 and 19 are properly rejected under 35 U.S.C. § 103 as being unpatentable over Kolling. Accordingly, we affirm the Examiner's rejections of claims 1 through 3, 5 through 8 and 10 through 24 for the reasons set forth **infra**.

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Appellants have indicated that for purposes of this appeal the claims stand or fall together in three (3) groups. See page 7 of the Appeal Brief. However, the reasons set forth *infra* are applicable to all the claims. Therefore, we will consider Appellants' claims as standing or falling together, and we will consider claim 1 as being representative of the claimed invention.

I. Under 35 U.S.C. § 102(a), is the Rejection of Claims 1 through 3, 5 through 8, 10 through 13, 15 through 18 and 20 through 24 as Being Anticipated By Kolling Proper?

It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim. See *In re King*, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).

With respect to representative claim 1, Appellants argue in the Appeal Brief that the Kolling reference does not disclose processing an identified customer-merchant account number to select a single remittance center from a plurality of remittance centers of a payee to which a payment remittance advice is

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forwarded. Particularly, at page 12 of the Appeal Brief,

Appellants state the following:

Hence, Kolling lacks any disclosure of BRNs having the type of uniqueness of the payor account number with the payee which allows the account number to be processed in order to select a particular one of a plurality of payment remittance centers of the payee.

To determine whether claim 1 is anticipated, we must first determine the scope of the claim. We note that claim 1 reads in part as follows:

processing the request to identify a payor account number with the payee;
processing the account number to select a single remittance center of the plurality remittance centers;

At page 14, lines 6 through 9, Appellants' specification states:

RPP 3 receives payment information from the batch file processing system 7, processes that payment information, and passes the processed information to a component 24 which then makes payments to merchants 4.

Further, at page 15, line 17 to page 16, line 13, Appellants' specification states:

After receiving payment records from the batch file processing system 7, the RPP periodically initiates a payment cycle 20 which process the records to generate information which will be used to credit merchant accounts and form advice for merchant systems. The processing flow of the billing cycle contains, in addition to other processes, three particularly important processes necessary for successful processing of each payment record. These processes are merchant identification 19a, account ranging 19b, and account

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scheming 19c, typically performed in this order. In the first step of processing a payment record, merchant identification attempts to identify a merchant in the merchant database 18 based on information in the payment record. In the second step, the system will attempt to determine a remittance center of the merchant to which the billing information is sent. If a candidate remittance center is identified, the system enters the third stage of processing, account scheming. In account scheming, the system attempts to normalize a user account with a merchant according to the merchant's rules. If account scheming fails, the system will return to the account ranging process to attempt to identify another candidate remittance center, and from there, again into account scheming.

Additionally, at page 19, lines 23 through page 20, line 9, Appellants' specification states:

In Figure 5, the RPP 3 processes the payment record presented in step 51 to determine one of a plurality of remittance centers associated with the applicable merchant in which to make payment. In step 53, the RPP chooses one of the above-mentioned four rules and at step 55 attempts to identify a remittance center. If a remittance center is found at step 56, then the RPP directs payment to that remittance center 58. If the RPP is unsuccessful in determining a remittance center, the RPP cycles back to step 53 and picks a new rule for identification. By this process, the system cycles through all combinations of rules that identify remittance centers for the merchant.

Thus, the claim does require processing an identified customer-merchant account number to select a single remittance center from a plurality of remittance centers of a payee to which a payment remittance advice is forwarded.

Now, the question before us is what Kolling would have taught to one of ordinary skill in the art? To answer this question, we find the following facts:

At column 15, lines 22-60, Kolling states the following:

In system 100, each consumer has a bank at which they maintain one or more accounts (or other means of guaranteeing funds to Bank C) from which they wish to pay bills and each biller has a bank at which they maintain an account into which they wish to receive payment funds. If Bank C is handling C's bill payment, but the account from which the funds are drawn is not at Bank C, the Bank C is acting as C's service provider. The consumer bank and the biller bank need not be different banks, but are shown separately nonetheless. Presumably, consumer C has chosen a bank, Bank C, which provides C with C's preferred method of bill pay order 122 entry at an agreeable price, and biller B has chosen a bank, Bank B, which provides biller B with biller B's desired format of receiving A/R data file 40 at an agreeable price. Additionally, some of the roles of Banks B and/or C may be performed by non-bank participants. Biller B's desired format is one which biller B selects to avoid the cost and occurrence of exception item processing. Each biller is assigned a unique identifier, the biller reference number, or BRN, which may comprise n digits with the n-th digit possibly being a modulus 10 check digit. In the examples described herein, n=9 and "918-272-642" is used as biller B's BRN. Non-numeric BRNs are also possible. Note that other check digit algorithms besides modulus 10 may be used in the present invention.

Biller B's BRN appears on bill 120 sent from B to C; bill 120 also includes an indication that biller B will and can accept electronic payments through this system (usually identified with a payment network service mark), an indication of B's BRN, an amount due, possibly a due date, and C's C-B account number. Since a physical coupon is no longer needed by biller B, bill

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120 could just as easily be an electronic invoice as a postal mail paper invoice.

Bill pay order 122, shown passing from consumer C to Bank C, is either passed by hand, postal mail, telephone or electronically; electronically, however, is more likely. Order 122 contains B's BRN, **C's C-B account number**, an amount, a desired transaction date, the source of funds, and authorization to pay the stated amount to the biller **with** that BRN. (Emphasis added).

At column 17, lines 39-44, Kolling states the following:

With the combination of the BRN and the BID, the destination bank can be identified, and with the BRN, the destination bank can use a privately held file, biller account number (B-acct) table 140 (see FIG. 6), so that consumers and consumer banks are not aware of biller B's account number. (Emphasis added).

With the above discussion in mind, we find that the Kolling reference teaches a bill payment system wherein a customer (12) issues a bill order pay (122), which contains, inter alia, the Biller's reference number (BRN) and the customer-biller account number. Kolling also teaches that the BRN and the C-B account number are used together to process the payment and to locate the payee remittance center from among the plurality of such centers.

One of ordinary skill in the art would have duly recognized that Kolling's teaching of processing the BRN in conjunction with the C-B account number amounts to the claim limitation of processing the account number to select a single remittance

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center. The ordinarily skilled artisan would have thus realized that processing the BRN serves the purpose of identifying the payee's bank while processing the C-B account number serves the purpose of identifying the particular customer-biller's account at the identified bank. Consequently, we do not find error in the Examiner's stated position, which concludes that Kolling teaches processing an identified customer-merchant account number to select a single remittance center from a plurality of remittance centers of a payee to which a payment remittance advice is forwarded. Therefore, we will sustain the Examiner's rejection of claims 1 through 3, 5 through 8, 10 through 13, 15 through 18 and 20 through 24 under 35 USC § 102.

II. Under 35 U.S.C. § 103, is the Rejection of Claims 14 and 19 as Being Unpatentable over Kolling Proper?

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a **prima facie** case of obviousness. **In re Oetiker**, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). **See also In re Piasecki**, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary

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skill in the art suggests the claimed subject matter. **In re Fine**, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Appellants. **Oetiker**, 977 F.2d at 1445, 24 USPQ2d at 1444. **See also Piasecki**, 745 F.2d at 1472, 223 USPQ at 788.

An obviousness analysis commences with a review and consideration of all the pertinent evidence and arguments. "In reviewing the [E]xaminer's decision on appeal, the Board must necessarily weigh all of the evidence and argument." **Oetiker**, 977 F.2d at 1445, 24 USPQ2d at 1444. "[T]he Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion." **In re Lee**, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002).

With respect to dependent claims³ 14 and 19, Appellants argue in the Appeal Brief that Kolling does not render the cited claims obvious. Particularly, Appellants reiterate that Kolling lacks the limitations of representative claim 1, as previously

³ We note that Appellants failed to separately and particularly discuss the limitations of these dependent claims in the Appeal Brief. Instead, Appellants rely on the discussion provided for representative claim 1 to rebut the rejection of these dependent claims. Consequently, our finding for representative claim 1 applies to these dependent claims as well.

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argued. We have already addressed this argument in the discussion of claim 1 above, and we disagree with Appellants.

After consideration of the record before us, we find that the evidence relied upon and the level of skill in the particular art would have suggested to one of ordinary skill in the art the invention as set forth in claims 14 and 19. Accordingly, we will sustain the Examiner's rejection of claims 14 and 19.

CONCLUSION

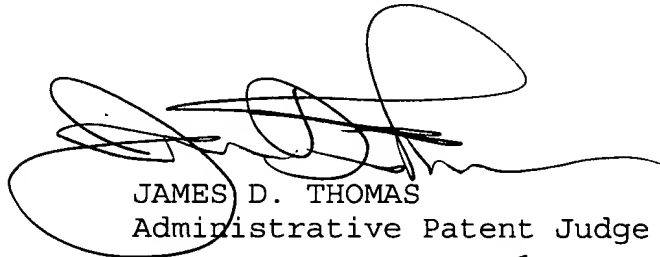


In view of the foregoing discussion, we have sustained the Examiner's decision rejecting claims 1 through 3, 5 through 8, 10 through 13, 15 through 18 and 20 through 24 under 35 U.S.C.

§ 102. We have also sustained the Examiner's decision rejecting claims 14 and 19 under 35 U.S.C. § 103. Therefore, we affirm.

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No time period for taking any subsequent action in
connection with this appeal may be extended under
37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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JAMES D. THOMAS)	
Administrative Patent Judge)	
)	
ERROL A. KRASS)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
JEAN R. HOMERE)	
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